

# **Burden of Proof Special Exception Application**

**336 11<sup>th</sup> Street NE**

**To:**                **The Office of Zoning**  
Government of the District of Columbia  
Suite 210 South  
441 4<sup>th</sup> Street, NW  
Washington DC 20001

**From:**           **Jennifer Fowler**  
Agent/Architect  
1819 D Street SE  
Washington, DC 20003

**Date:**            November 21, 2022

**Subject:**        **BZA Application, Durbin-Tabori Residence**  
336 11<sup>th</sup> Street NE (Square 0963, Lot 0019)

Colleen Durbin and Nicholas Tabori, owners of 336 11<sup>th</sup> Street NE, hereby apply for special exceptions pursuant to Subtitle X, Chapter 9, to build a first-floor dogleg addition at the rear of their house. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

*Application of Colleen Durbin and Nicholas Tabori, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to construct a first floor dogleg addition to an existing attached single family dwelling unit in the RF-1 Zone at premises 336 11th Street NE (Square 0963, Lot 0019).*

## **I. Summary:**

This special exception qualifies under ZR-16 Subtitle E, Chapter 5201 and Subtitle X, Chapter 9, because the lot occupancy does not exceed 70%, and the addition will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property.

**Subtitle E §304.1:** The existing lot coverage of 642.8 SF (61%) will increase to 701.3 SF (66.5%) with the proposed addition. The proposed project will expand the first floor and add a 3<sup>rd</sup> floor level. The relief needed is exclusively for the first-floor addition. The third-floor rooftop addition is shown for information only.

## **II. Qualification of Special Exception**

### **5201 Special Exception Review Standards**

By satisfying the requirements of E-5201.1 and E-5201.4 through E-5201.6, the application also meets the general special exception requirements of X-901.2, see below.

5201.4 An applicant for special exception under this section shall demonstrate that the addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) *The light and air available to neighboring properties shall not be unduly affected;*

**334 11<sup>th</sup> Street NE**

334 11<sup>th</sup> Street NE lies to the south of the property at 336 11<sup>th</sup> Street SE. The shared party wall between 334 11<sup>th</sup> and 336 11<sup>th</sup> extends the length of the proposed dogleg addition at 336 11<sup>th</sup> Street. Additionally, 334 11<sup>th</sup> Street has a two-story rear addition that extends beyond the house at 336 11<sup>th</sup> Street. The proposed dogleg addition at 336 11<sup>th</sup> Street will be on the first floor only and will not extend beyond the existing party wall. There are no windows along the shared party wall. The proposed addition at 336 11<sup>th</sup> Street will have no impact on the light and air available to 334 11<sup>th</sup> Street.

**338 11<sup>th</sup> Street NE**

338 11<sup>th</sup> Street NE lies to the north of the property at 336 11<sup>th</sup> Street SE. The proposed addition at 336 11<sup>th</sup> Street will be on the south side of the property and will not extend past the existing rear wall at 336 11<sup>th</sup> or 338 11<sup>th</sup> Street. The proposed addition at 336 11<sup>th</sup> Street will have no impact on the light and air available to 338 11<sup>th</sup> Street because of the location of the addition.

**Neighbors to the West**

The neighbors to the west are separated from the property at 336 11<sup>th</sup> Street NE by a 10' wide public alley and the existing 22' rear yard at 336 11<sup>th</sup> Street. The proposed addition at 336 11<sup>th</sup> Street will not extend past the existing rear wall at 336 11<sup>th</sup> Street, so the existing rear yard will remain. Additionally, the proposed addition will only be one story. The proposed addition at 336 11<sup>th</sup> Street will have no impact on the light and air available to neighbors to the west due to the size and location of the addition.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

**334 11<sup>th</sup> Street NE**

There are no windows along the shared party wall. There will be a new window along the yard façade, which may allow some views into existing rear addition at 334 11<sup>th</sup> Street NE. However, the proposed addition at 336 11<sup>th</sup> Street is only one story. Overall, the proposed addition will not unduly compromise the privacy of use and enjoyment of the neighbors at 334 11<sup>th</sup> Street NE.

**338 11<sup>th</sup> Street NE**

338 11<sup>th</sup> Street NE lies to the north of the property at 336 11<sup>th</sup> Street SE. The proposed addition at 336 11<sup>th</sup> Street will be on the south side of the property and will not extend past the existing rear wall at 336 11<sup>th</sup> or 338 11<sup>th</sup> Street. Given the size and scale of the proposed addition, it will not unduly compromise the privacy of use and enjoyment of the neighbors at 338 11<sup>th</sup> Street NE.

**Neighbors to the West**

The neighbors to the west are separated from the property at 336 11<sup>th</sup> Street NE by a 10' wide public alley and the existing 22' rear yard at 336 11<sup>th</sup> Street. The proposed addition at 336 11<sup>th</sup> Street will not extend past the existing rear wall at 336 11<sup>th</sup> Street, so the existing rear yard will remain. Additionally, the proposed addition will only be one story. The separation provided by the public alley and existing rear yard means the proposed addition at 336 11<sup>th</sup> Street will not unduly compromise the privacy of use and enjoyment of the neighbors to the west.

- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage;*

The proposed first floor addition will be at the rear of the property and will not be visible from a public street. It will not extend beyond the existing rear wall at 336 11<sup>th</sup> Street. The existing square is extremely dense and there exist houses of varying widths and depths throughout the block. The proposed addition will be constructed with high quality materials and will be appropriate in scale for the existing houses on the alley.

- (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways*

Architectural plans and photographs have been submitted with the application.

## **901 Special Exception Review Standards**

Subtitle X 901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgement of the Board of Zoning Adjustment, the special exceptions:

- a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

As described more fully above, the addition will be in harmony with the intent of the Zoning Regulations due to the fact that the massing, materials, and details will mimic existing structures on the alley.

- b. Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

As described more fully above, the addition will minimally impact the light and air or privacy of the neighboring properties.

- c. Will meet such special conditions as may be specified in this title.*

## **902 Application Requirements**

*An application for a special exception shall meet the requirements of Subtitle Y § 300.*

Along with this application, we have included the following items:

- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- c) Official Plat from the DC Office of the Surveyor.

If you require any further clarification or have any questions regarding the application, we are available at any time to discuss them with you.

Thank you,

A handwritten signature in black ink, appearing to be 'JF', written over a horizontal line.

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Jennifer Fowler  
Agent/Architect  
202-546-0896